

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

**In re VIISAGE TECHNOLOGY, INC.  
SECURITIES LITIGATION**

---

)  
)  
) **CIVIL ACTION NO. 05-cv-10438-MLW**  
)  
)  
)

**This Pleading Applies to: All Actions**

---

**DEFENDANTS' MOTION TO DISMISS  
CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

Defendants Viisage Technology, Inc., Bernard C. Bailey, William Aulet, Denis K. Berube, Marcel Yon, Buddy G. Beck, Charles A. Levine, Thomas J. Reilly, Harriet Mouchly-Weiss, Paul T. Principato and Peter Nessen move, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), to dismiss plaintiffs' Consolidated Amended Class Action Complaint in its entirety. The grounds for defendants' motion are that plaintiffs have not alleged an actionable misrepresentation or omission by any defendant, nor have they alleged any defendant acted with the requisite fraudulent intent. The grounds for defendants' motion are further set forth in the accompanying memorandum of law.

WHEREFORE, defendants respectfully ask this Court to dismiss plaintiffs' Consolidated Amended Class Action Complaint as against each one of them, in its entirety and with prejudice.

### REQUEST FOR ORAL ARGUMENT

Defendants request oral argument on this motion.

VIISAGE TECHNOLOGY, INC.

By its attorneys,

/s/ Alokmanda S. Bose

Mitchell H. Kaplan (BBO #258940)

John R. Baraniak, Jr. (BBO #552259)

Alokmanda S. Bose (BBO #658108)

CHOATE, HALL & STEWART LLP

Two International Place

Boston, MA 02110

(617) 248-5000

Dated: April 3, 2006

### LOCAL RULE 7.1 (A)(2) CERTIFICATE

Counsel for defendants certify that they have conferred with counsel for plaintiffs in a good faith attempt to resolve or narrow the issues presented by this motion but have been unable to do so.

/s/ Alokmanda S. Bose

Alokmanda S. Bose